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FORM PTO-1390 (Modified)
(REV 11-98)

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

ATTORNEY'S DOCKET NUMBER

**TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A FILING UNDER 35 U.S.C. 371**

Kreisler 1098-KGB

U.S. APPLICATION NO. (IF KNOWN, SEE 37 CFR

09/914658

INTERNATIONAL APPLICATION NO.
PCT/EP00/01903

INTERNATIONAL FILING DATE
3 March 2000 (03.03.00)

PRIORITY DATE CLAIMED
6 March 1999 (06.03.99)

TITLE OF INVENTION

STABLE RECOMBINANT INFLUENZA VIRUSES FREE OF HELPER VIRUSES

APPLICANT(S) FOR DO/EO/US

GERD HOBOM, RAMON FLICK, ANETTE MENKE and MAYSA AZZEH

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☒ This is an express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1).
4. ☒ A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
5. ☒ A copy of the International Application as filed (35 U.S.C. 371 (c) (2))
 - a. ☐ is transmitted herewith (required only if not transmitted by the International Bureau).
 - b. ☒ has been transmitted by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ A translation of the International Application into English (35 U.S.C. 371(c)(2)).
7. ☒ A copy of the International Search Report (PCT/ISA/210).
8. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))
 - a. ☐ are transmitted herewith (required only if not transmitted by the International Bureau).
 - b. ☐ have been transmitted by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☐ have not been made and will not be made.
9. ☐ A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
10. ☐ An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).
11. ☒ A copy of the International Preliminary Examination Report (PCT/IPEA/409).
12. ☐ A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).

Items 13 to 20 below concern document(s) or information included:

13. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
14. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
15. ☒ A **FIRST** preliminary amendment.
16. ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
17. ☐ A substitute specification.
18. ☐ A change of power of attorney and/or address letter.
19. ☐ Certificate of Mailing by Express Mail
20. ☒ Other items or information:

-Statement Regarding Sequence Listing
-Disk containing Sequence Listing in Word Format
-Express Mail Certificate
-Return Receipt Postcard

U.S. APPLICATION NO. OF KNOWN, SEE 7 097/914658	INTERNATIONAL APPLICATION NO. PCT/EP00/01903	ATTORNEY'S DOCKET NUMBER Kreisler 1098-KGB
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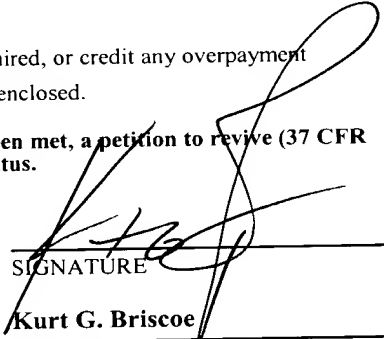
21. The following fees are submitted:			CALCULATIONS PTO USE ONLY	
BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) - (5)) :				
<input type="checkbox"/> Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO			\$1,000.00	
<input checked="" type="checkbox"/> International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO			\$860.00	
<input type="checkbox"/> International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO			\$710.00	
<input type="checkbox"/> International preliminary examination fee paid to USPTO (37 CFR 1.482) but all claims did not satisfy provisions of PCT Article 33(1)-(4)			\$690.00	
<input type="checkbox"/> International preliminary examination fee paid to USPTO (37 CFR 1.482) and all claims satisfied provisions of PCT Article 33(1)-(4)			\$100.00	
ENTER APPROPRIATE BASIC FEE AMOUNT =			\$860.00	
Surcharge of \$130.00 for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492 (e)).			\$0.00	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	
Total claims	30 - 20 =	10	x \$18.00	\$180.00
Independent claims	1 - 3 =	0	x \$80.00	\$0.00
Multiple Dependent Claims (check if applicable).			<input type="checkbox"/>	\$0.00
TOTAL OF ABOVE CALCULATIONS =			\$1,040.00	
Reduction of 1/2 for filing by small entity, if applicable. Verified Small Entity Statement must also be filed (Note 37 CFR 1.9, 1.27, 1.28) (check if applicable).			<input type="checkbox"/>	\$0.00
SUBTOTAL =			\$1,040.00	
Processing fee of \$130.00 for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492 (f)).			\$0.00	
TOTAL NATIONAL FEE =			\$1,040.00	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31) (check if applicable).			<input type="checkbox"/>	\$0.00
TOTAL FEES ENCLOSED =			\$1,040.00	
			Amount to be:	\$
			refunded	
			charged	\$

- ☐ A check in the amount of _____ to cover the above fees is enclosed.
- ☒ Please charge my Deposit Account No. **14-1263** in the amount of **\$1,040.00** to cover the above fees.
A duplicate copy of this sheet is enclosed.
- ☒ The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. **14-1263** A duplicate copy of this sheet is enclosed.

NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

Norris McLaughlin & Marcus
220 East 42nd Street
30th Floor
New York, New York 10017


SIGNATURE
Kurt G. Briscoe
NAME
33,141
REGISTRATION NUMBER
8-31-01
DATE

Attorney Docket No.: Kreisler 1098-KGB
Client Ref. No.: 012142us/JH/ml

APPLICANTS: GERD HOBOM, RAMON FLICK, ANETTE MENKE and
MAYSA AZZEH

TITLE OF INVENTION: STABLE RECOMBINANT INFLUENZA VIRUSES FREE
OF HELPER VIRUSES

International Application No.: PCT/EP00/01903

EXPRESS MAIL CERTIFICATE

"Express Mail" mailing label number EL 867734861 US

Date of Deposit August 31, 2001

I hereby certify that the following items:

- 1) Transmittal Letter to the US Designated/Elected Office (DO/EO/US)
Concerning a Filing Under 35 USC 371 (2 Pages) (duplicate)
- 2) Preliminary Amendment
 - a) Mark-Up Showing Changes to Claims
- 3) Copy of International Search Report
- 4) Copy of International Preliminary Examination Report containing
Amended Sheets of Claims Resulting in 30 Claims (Pages 1-5)
- 5) Copy of the published International Application consisting of
 - a) Specification (Pages 1-39)
 - b) 33 Claims (Pages 40-45)
 - c) Drawings (21 Pages)
 - d) Sequence Listing (Pages 1-15)
- 6) Floppy disk containing Sequence Listing in Word Format
- 7) Statement Regarding Sequence Listing

are being deposited with the United States Postal Services "Express Mail Post Office
to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the:
Hon. Commissioner for Patents, Washington, D.C. 20231, Box PCT.

NORRIS, McLAUGHLIN & MARCUS, P.A.

By

